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VUU, HENRY

ART UNIT	PAPER NUMBER
2179	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/671,361	DANIELI, DAMON V.
	Examiner	Art Unit	
	Henry Vuu	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>*09/25/03*</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-20 is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-20* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _01/12/04_, 11/14/04

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 2, 3, 5, 7, 8, 10, 11, 12, 13, 14, 16, 18 and 19 are rejected under 35

U.S.C. 102(e) as being anticipated by Tsuchiya (US Application No. 10/358,287).

As to claim 1, Danieli discloses:

A method for visually ("objects 61 through 63 displayed on the video monitor" -

see e.g., paragraph [0064], line 10) indicating a voice speaker ("The players conduct

voice chat via these objects 61 through 63" - see e.g., paragraph [0064], line 9 - 10) to

a listener ("opponent" - see e.g., paragraph [0064], line 3) in a context of a computing

session ("game" - see e.g., paragraph [0064], line 3 - 4), comprising the steps of:

(a) obtaining (see e.g., paragraph [0073], lines 9 -13) a speaker identifier ("As

shown in the same diagram, icons 93, 94, 95, which represent each of the players" -

see e.g., paragraph [0073], lines 4 - 9) that identifies a voice speaker ("icon 94 of

player B, the talking party" - see e.g., paragraph [0073], line 7 - 8) who is transmitting

voice data ("Voice information inputted by Player B to game apparatus 11 though

microphone 74 is then sent to game apparatus 10" - see e.g., paragraph [0070], lines 12 - 15);

(b) associating ("affixing" - see e.g., paragraph [0071], line 17) the speaker identifier with a visual indicator ("a downward pointing arrow 91 is affixed in a position above the head of object 62." - see e.g., paragraph [0071], lines 17 - 18) representing the voice speaker ("To distinguish Player B's object 62 (the talking party)" - see e.g., paragraph [0071], lines 14 - 15) in the computing session; and

(c) displaying the visual indicator to the listener ("game screen of Player A (the receiving party), a downward pointing arrow 91 is affixed in a position above the head of object 62" - see e.g., paragraph [0071], lines 16 - 18) to indicate the voice speaker ("by distinguishing the talking party's character from the other characters" - see e.g., paragraph [0071], lines 18 - 19) who is speaking ("to grasp visually who has started to talk to him." - see e.g., paragraph [0071], lines 21 - 22).

As to claim 12, Danieli discloses all the limitations set forth in claim 1 with the exception of the following limitations:

A system for visually (see e.g., paragraph [0071], lines 14 - 22) indicating a voice speaker ("a downward pointing arrow 91 is affixed in a position above the head of object 62." - see e.g., paragraph [0071], line 17 - 18) to a listener ("player A (the receiving party)" - see e.g., paragraph [0071], line 15) in a context of a computing session ("game" - see e.g., paragraph [0064], line 3 - 4), comprising:

(a) a processor ("main CPU 78 - see e.g., paragraph [0063], line 4);

(b) a display in communication with the processor (the Central Processing Unit (CPU) 78 is in communications with the video monitor by indication of the horizontal and vertical bidirectional arrows from CPU 78 to video monitor 83 - see e.g., Figure 3); and

(c) a memory in communication with the processor ("Main CPU 78 reads a network game program from ROM 80 upon the start-up of the system, and loads it onto RAM 73." - see e.g., paragraph [0063], lines 5 - 7), said memory storing machine instructions ("reads a network game program from ROM 80" - see e.g., paragraph [0063], line 6) that cause the processor (CPU 78 - see e.g., paragraph [0063], line 4) to carry out a plurality of functions ("Main CPU 78 issues to the video processor 72 the commands necessary for the generation of images" - see e.g., paragraph [0063], lines 9 - 12), including:

(i) obtaining a speaker identifier from voice data transmitted by the voice speaker (see e.g., claim 1 above);

(ii) associating the speaker identifier with a visual indicator used for indicating the voice speaker (see e.g., claim 1 above); and

(iii) displaying the visual indicator on the display to indicate that the voice speaker is speaking (see e.g., claim 1 above).

As to claims 2 and 13, both claims are analyzed with respect to claim 1 and claim 12, in which both claims have met the limitations of their preamble and parent claim. Danieli further discloses the visual indicator comprising at lease one of:

(a) an icon ("downward pointing arrow 91" - see e.g., paragraph [0071], line 17)

displayed ("on the game screen of player A (the receiving party)" - see e.g., paragraph

[0071], line 16) adjacent ("affixed in a position above the head of object 62" - see e.g.,

[0071], lines 17 - 18) to a visual element ("object 62" - see e.g., paragraph [0071], line

18) that is controlled by the voice speaker ("whereby chatting is done with player B as

the talking party" - see e.g., paragraph [0071], line 13 - 14) in the computing session ;

Claim 2(b) - (d) and 13(b) - 13(d) are given merit in such a way that the analysis

with respect to claim 2 and claim 13's preamble, "comprising at least one of", holds

weight to the phrase where the expression indicates that only one limitation is required

to fulfill the criteria's set forth in claim 2 and claim 13. Therefore only claim 2(a) and

claim 13(a) are addressed due to the scope of the claim of their respective preamble.

As to claims 3 and 14, both claims are analyzed with respect to claim 1 and claim

12, in which both claims have met the limitations of their preamble and parent claim.

Therefore Danieli discloses the steps of displaying which comprises the steps of:

(a) displaying ("displayed on player A's video monitor" - see e.g., paragraph

[0071], line 8) an icon adjacent ("a downward pointing arrow 91 is affixed in a position

above the head" - see e.g., paragraph [0071], lines 17 - 18) to a visual element ("object

62" - see e.g., paragraph [0071], line 18) that is controlled by the voice speaker in the

computing session (see e.g., paragraph [0064], lines 4 - 10) if the visual element

("player B's object 62 (the talking party)" - see e.g., paragraph [0071], lines 14 - 15) is

visible on a display to the listener ("game screen of player A (the receiving party) - see

e.g., [0071], line 15); and

(b) displaying ("display appearance" - see e.g., paragraph [0073], line 7) an icon

("icon 94" - see e.g., paragraph [0073], lines 7) that identifies the voice speaker

("player B, the talking party, from the display appearance of the other icons" - see e.g.,

[0073], line 7 - 8) if the visual element that is controlled by the voice speaker ("icons 93,

94, 95, which represent each of the players" - see e.g., paragraph [0073], line 4 - 7) is

not visible ("even if a character is clipped due to camera work and does not appear in a

game screen" - see e.g., paragraph [0073], lines 14 - 15) on the display to the listener

("who the talking party is can still be indicated." - see e.g., paragraph [0073], lines 15 -

16).

As to claims 5 and 16, both claims are analyzed with respect to their depending

claims, wherein both claims have met the limitations of their parent claims. Claim 16

only differs from claim 5 in which claim 19 discloses having machine instructions

("network game program" - see e.g., paragraph [0063], line 5) for causing the

processor ("Main CPU 78" - see e.g., paragraph [0063], lines 9 - 10) to carry out at

least one of the functions. Danieli discloses:

(a) Claim 5 (a) and claim 16 (a) are analyzed and given merit and weight to the

preamble expression, "comprising at least one of", as requiring only one limitation and

criteria set forth in claim 5's preamble. Therefore claim 5 (a) and 16 (a) are not

analyzed with respect to claim 5 and claim 16's preamble.

(b) determining whether the voice speaker provided evidence ("individual

specification" - see e.g., paragraph [0028], lines 5 - 6) that the voice speaker is trusted

by the listener ("Preferably, the receiving party is a party which has conducted voice

chat with the talking party in the past." - see e.g., paragraph [0022], lines 1 - 2), so that voice communications from the voice speaker are allowed to be heard by the listener (see e.g., [0015], lines 16 - 22).

As to claim 7 and 18, both claims are analyzed with respect to their depending claim, in which both claim 7 and claim 18 have met the limitations of their parent claim. Claim 18 differs from claim 7 wherein claim 18 addresses having machine instructions ("network game program" - see e.g., paragraph [0063], line 5) for causing the processor ("Main CPU 78" - see e.g., paragraph [0063], lines 9 - 10) to carry out one of the functions. Danieli discloses:

(a) Claim 7 (a) and claim 18 (a) are analyzed and given merit and weight to the preamble expression, "comprising at least one of", as requiring only one limitation and criteria set forth in claim 5 and claim 18's preamble. Therefore claim 5 (a) and claim 18 (a) are not analyzed with respect to claim 5's preamble.

(b) determining whether the voice speaker ("object 61" - see e.g., paragraph [0078], line 7) is restricted from voice communication ("character 62 is removed from the list of possible chat partners." - see e.g., paragraph [0078], lines 12 - 13) as a result of one of an event occurring in the computing session and a status of the computing session ("For example, as shown in FIG. 12, object 62 is separated from character 61 by a distance equal to or greater than distance D, that is, a distance where the voice output level relative to player B has become too small, thus hindering chat" - see paragraph [0078], lines 8 - 12).

As to claims 8 and 19, both claims are analyzed with respect to claim 1 and claim 12, in which both claims have met the limitations of their parent claim. Claim 19 differs from claim 8 wherein claim 19 addresses having machine instructions ("network game control program" - see e.g., paragraph [0067], line 6) for causing the processor ("CPU 42 loads network control program" - see e.g., paragraph [0067], line 6) to carry out at least one of the functions listed below. Danieli therefore discloses:

(a) modifying ("adjusts" - see e.g., paragraph [0074], line 3) the voice data ("output volume of voice chat" - see e.g., [0074], line 3) as a function of a status of at least one of the voice speaker and the listener ("in accordance with the distance in a virtual space between object 61 and object 62" - see e.g., paragraph [0074], lines 3 - 4) in the computing session ("the positional relationship of the characters displayed in the game screen, a virtual experience can be enjoyed" - see e.g., paragraph [0074], lines 15 - 17); and

(b) Since merit and weight is given to claim 8 and claim 19's preamble expression, "to carry out at least one of the functions", claim 8(b) and claim 19(b) are not addressed due to the scope of the preamble of claim 8 and claim 19.

As to claim 10, Danieli discloses:

A memory medium ("optical storage media, magnetic storage media, memory cartridges" - see e.g., paragraph [0044], lines 4 - 13) on which are stored machine instructions ("The storage medium of the present invention is a computer-readable storage medium in which the computer program of the present invention is stored." - see e.g., paragraph [0044], lines 1 - 3) for carrying out the steps of claim 1 ("Main CPU

78 issues to video processor 72 the commands necessary for the generation of images

to be formed in the virtual 3-dimensional space" - see e.g., paragraph [0063], lines 9 -

12).

As to claim 11, Danieli discloses:

A memory medium ("optical storage media, magnetic storage media, memory

cartridges" - see e.g., paragraph [0044], lines 4 - 13) on which are stored machine

instructions ("The storage medium of the present invention is a computer-readable

storage medium in which the computer program of the present invention is stored." -

see e.g., paragraph [0044], lines 1 - 3) for carrying out the steps of claim 2 ("Main CPU

78 issues to video processor 72 the commands necessary for the generation of images

to be formed in the virtual 3-dimensional space" - see e.g., paragraph [0063], lines 9 -

12).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Tsuchiya (US Application No. 10/358,287) in view of Ham ("Half-Life Gets A Voice").

As to claims 4 and 15, note the discussion of Tsuchiya above. Both claims have

met the limitations of their parent claims but claim 15 differs from claim 4 wherein claim

15 discloses machine instructions ("network game program" - see e.g., paragraph

[0063], line 5) further causing the processor ("Main CPU 78" - see e.g., paragraph

[0063], lines 9 - 10) to carry out certain functions. Prior to displaying the visual indicator

and the limitations set forth in claim 1, Tsuchiya does not disclose determining whether

the listener has elected to hear voice communication from the voice speaker prior to

obtaining, associating, and displaying the limitations of claim 1. Ham discloses the

ability of an in-game player having the capability to elect and mute other players within

the same gaming session by means of using a "Voice Properties dialog box" (see e.g.,

paragraph 6, line 12), which enables specific selection of voice speakers to mute ("The

player can bring up a Voice Properties dialog box where they can click on a player and

mute them for the rest of the game" - see e.g., paragraph 6, lines 11 - 14). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to incorporate a "Voice Properties dialog box" that enables a listener to elect

which voice speaker in the gaming session to mute a player as taught by Ham to

obtaining, associating, and displaying the visual indicator and speaker identifier of

Tsuchiya because Ham 's disclosed "Voice Properties dialog box" enables the listener

to mute the voice speaker for the rest of the gaming session so that voice

communication spamming or cursing can be optionally controlled by the listener at the

listeners discretion (see e.g., paragraph 6, lines 11 - 16).

7.   Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Tsuchiya (US Application No. 10/358,287) in view of Levi et al. (US Application No.

10/177,463).

As to claims 6 and 17, note the discussion of Tsuchiya above. Tsuchiya does not

teach prohibiting the listener from hearing voice communication from the voice speaker.

Levi teaches a user engaged in an abusive behavior or has violated a rule within the

computing session which further allows the administrative manager to remove the user

from the system or suspend the users privileges for a given period of time (see e.g.,

paragraph [0058], lines 4 - 7). Therefore, it would have been obvious at the time the

invention was made to have an administrative manager monitor accounts and reports of

abusive behavior within a gaming session of Levi to the displaying of the speaker

identifier and visual indicator of Tsuchiya because the communication system taught by

Levi can maintain an enjoyable environment for all users and prevent any disruptive or

abusive communications among users (see e.g., paragraph [0059], lines 8 - 10).

8.   Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Tsuchiya (US Application No. 10/358,287) in view of Heredia (US Application No.

09/188,122).

As to claims 9 and 20, note the discussion of Tsuchiya above. Tsuchiya does not

teach mixing the voice data from the voice speaker with voice data from another voice

speaker to provide the listener with a multi-voice communication. Heredia on the other

hand clearly teaches using full duplex capabilities to allow players to speak to other

players and still have the ability to hear other player's comments simultaneously (see

e.g., column 3, lines 58 - 60 in conjunction with column 5, lines 29 - 37). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to implement Heredia's full duplex voice communication capabilities within a

multiplayer game and Tsuchiya's speaker identifier and visual indicator because

Heredia's full duplex communication capabilities enables simultaneous voice

communication and decoding of voice packets in real time. Heredia further teaches the

voice packet data being transmitted in the same packet as other data so that game data

and voice data is synchronized (see e.g., column 2, lines 53 - 65 in conjunction with

column 3, lines 57 - 60).

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Prior art US Patent No. 6,183,367 is applicable and considered

as pertinent art to applicant's disclosures.

Prior art Kaji discloses the game devices that are able to mix and synchronize

voice data from the player, which enables a more realistic gaming environment for the

user.

Inquiries

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Henry Vuu whose telephone number is (571) 270-1048.

The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chanh Nguyen can be reached on (571) 270-1048. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner's Signature:

Examiner's Initials:

Date: June 22, 2006

CHANH NGUYEN
PRIMARY EXAMINER